

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

LANCE P. VECCHIO,

Defendant.

8:08CR218

ORDER

This matter is before the court on the motions of defendant Lance P. Vecchio (Vecchio) to file a suppression motion out of time (Filing No. 14) and to continue trial (Filing No. 15). Vecchio seeks until July 9, 2008, in which to file a motion to suppress and to continue the trial until the suppression motion is determined. Vecchio has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 16). Vecchio's counsel represents to the court that government's counsel has no objection to the motion to file a motion to suppress out of time. The motion will be granted and the time to be excluded will be that from the original motion deadline, June 17, 2008, to the date of the filing of the motion to suppress. Trial of the case will be continued pending the disposition of any motion to suppress.

IT IS ORDERED:

1. Vecchio's motion to file a motion to suppress out of time (Filing No. 14) is granted. The motion shall be filed **on or before July 9, 2008**. The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **June 17, 2008 and July 9, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and

complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. Vecchio's motion to continue trial (Filing No. 15) is granted. Trial will be rescheduled following the disposition of any motion to suppress.

DATED this 7th day of July, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge